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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,963	02/23/2004	Denny Chiu	16813-5US	7567
20988	7590	06/23/2009	EXAMINER	
OGILVY RENAULT LLP 1, Place Ville Marie SUITE 2500 MONTREAL, QC H3B 1R1 CANADA			KARIKARI, KWASI	
		ART UNIT	PAPER NUMBER	
		2617		
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		06/23/2009		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/782,963	CHIU ET AL.	
	Examiner	Art Unit	
	KWASI KARIKARI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 May 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-12 and 14-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/04/2009 has been entered.

Response to Arguments

2. Applicant's arguments, filed on 05/04/2009 with respect to claims 1, 3-12 and 14-20 in the remarks, have been considered but are moot in view of the new ground(s) of rejections.

3. Applicant's remarks during the interview dated on 05/12/2009 have been considered for the purpose of this Application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3-12 and 14-20 are rejected under U.S.C. 103(a) as being unpatentable over Martinez (U.S. 20020142792 A1), (hereinafter Martinez) in view of Parker et al., (US 20020116541 A1), (hereinafter, Parker) and further in view of Moton, Jr. et al., (U.S. 7,116,977), (hereinafter Moton).

Regarding claims 1,10 and 20, Martinez discloses a method/mobile device/computer program product/ for enabling a mobile device (= device 10, see Figs. 1 and 6-8) to control notification of events , the method comprising:

activating, at the mobile device, a first notification profile (= user preference settings/information or operational set, see Pars. 0021-24 and 0026) comprising a first set of notification control options selected at the mobile device (see Pars. 022-25) wherein the mobile device is capable of comparing both a time parameter and a location parameter with a current time and a current location (= time of day and network present, see Pars. 0022-25);

enabling definition of any enabled switch condition (=trigger, see Par. 0021-22) by directly specifying at least one of the time parameter and the location parameter at the mobile device (see Pars. 0021-22); and

switching to a second notification profile (= user preference settings/information or operational set, see Pars. 0021-24 and 0026) when the switch condition (= trigger)

defined at the mobile device is satisfied (see Pars. 0021-25), the second notification profile comprising a second set of notification control options (see Pars. 0021-25); wherein the first and second notification profiles (= user preference settings/information or operational set, see Pars. 0021-24 and 0026) each define respective notification control options (see Pars. 0021 and 0026) that apply to the notification of events, each event being generated by a respective event generating and handling component, the first and second notification profiles each defining notification control options controlling how notifications for events generated by different event generating and handling components on the mobile device are provided, wherein the event generating and handling components on the mobile device include phone (see Pars. 0021-23, 0024-25, 0030, 0032, 0037-41 and Figs. 6-8). **Martinez** also mentions electronic agenda/calendared agenda as specified condition (see [0022 and 26]).

Martinez explicitly fails to teach “wherein the event generating and handling components on the mobile device include an alarm, a calendar, email and SMS” and that the current location is determined using at least one of a cellular base station or a Global Positioning System (GPS).

However, **Parker**, which is an analogous art, equivalently teaches “wherein the event generating and handling components on the mobile device include an alarm, a calendar, email and SMS (= audible email notification; and calendar-type application program may generate the selected signal see [0002, 0010, 0020, 0051-53, 0055 and 0057]).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Parker with the system of Martinez for the benefit of achieving a notification system that each profile may be configured to provide different types of notifications for a plurality of different types of notification-type events (see Parker, [0020]).

The combination of **Martinez** and **Parker** explicitly fails to disclose that the current location is determined using at least one of a cellular base station or a Global Positioning System (GPS).

However, the proceeding limitations are disclose in the system of **Morton** wherein the server 102 uses location information from location systems 106 and 112; and identity information to activate service features subscribed by a subscriber (see col. 5, line 4- col. 6, line 19; col. 9, lines 39-66 and table 1).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Moton with the system of Martinez and Parker for the benefit of achieving a system that includes GPS and GIS systems to provide redundancy, accuracy and reliability (see Moton, col. 5, lines 4-19).

Regarding claim 3, Martinez further discloses the method of claim 1 wherein said switch condition is defined in relationship with both the time and location parameters (= condition/trigger which can be sensed include type of day and the location of the cellular telephone, see Pars. [0009 and 0022]).

Regarding claims 4, as recited in claim 1, the combination of **Martinez and Parker** fails specifically to mention that said current location is determined only using Global Positioning System.

However, **Morton** teaches that the system includes one or both network-based location systems 106 and 112 (see col. 5, lines 4-19 and col. 4, line 58- col. 5, line 61).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Moton with the system of Martinez and Parker for the benefit of achieving a system that includes GPS and GIS systems to provide redundancy, accuracy and reliability (see Moton, col. 5, lines 4-19).

Regarding claim 5, Martinez further discloses the method of claim 1 wherein said method comprising storing the switch condition in association with one of the first and second notification profiles to facilitate re-use of a stored switch condition (see Pars. 0005, 0008, and 0021).

Regarding claim 6, Martinez further discloses the method of claim 5, wherein defining the switch condition comprises accessing the stored switch condition for re-use (see Pars. 0005, 0008, and 0021-23).

Regarding claim 7, Martinez further discloses the method of claim 1, wherein said first notification profile comprises options defined to disable notification of at least some of the events and said second user notification profile comprises options defined to enable

notification of said at least some of the events whereby the switching automatically enables notification upon the satisfaction of the switch condition (see Pars. 0021-26).

Regarding claim 8, Martinez further discloses the method of claim 1, wherein said first notification profile comprises options defined to enable notification of at least some of the events and said second notification profile comprises options defined to disable notification of said at least some of the events whereby the switching automatically disables notification upon the satisfaction of the switch condition (see Pars. 0021-26).

Regarding claim 9, Martinez further discloses the method of claim 1, comprising: enabling said first notification profile to control the notification thereby replacing a previously enabled notification profile; and defining said second notification profile in accordance with said previously enabled notification profile such that said switching automatically re-enables the previously enabled notification profile (see Pars. 0021-26).

Regarding claim 11, Martinez further discloses the device of claim 10, comprising: wherein the notification profile enablement component enables definition, at the mobile device, of switch conditions for more than one of said notification profiles (see Pars. 0009 and 0021-26).

Regarding claim 12, Martinez further discloses the device of claim 11 wherein the notification profile enablement component defines switch conditions in response to both

the time parameter and the device location parameter (see Pars. 0009 and 0021-26).

Regarding claim 14, Martinez further discloses the device of claim 10 comprising a switch condition monitoring component to monitor the satisfaction of the switch condition to determine the automatic switching (see Pars. 0009 and 0021-26, 0030, 0032 and 0037-40).

Regarding claim 15, Martinez further discloses the device of claim 11, wherein the user interface is adapted to store the switch condition in association with one of the notification profiles to facilitate re-use of the switch condition (see Pars. 0005, 0008, and 0021-26, 0030, 0032 and 0037-40).

Regarding claim 16, Martinez further discloses the device of claim 15, wherein the notification profile enablement component is adapted to access the stored switch condition for re-use (see Pars. 0005, 0008, and 0021-26, 0030, 0032 and 0037-40).

Regarding claim 17, Martinez further discloses the device of claim 10, wherein the notification profile enablement component comprises a further switch condition that, if satisfied, automatically switches from the next notification profile to a new next notification profile (see Pars. 0009 and 0021-26, 0030, 0032 and 0037-40).

Regarding claim 18, Martinez further discloses the device of claim 10, wherein the

next notification profile is defined in accordance with a last notification profile enabled immediately prior to the current notification profile such that said notification profile switch component switches back to the last notification profile. (see Pars. 0009 and 0021-26, 0030, 0032 and 0037-40).

Regarding claim 19, Martinez further discloses the device of claim 10, wherein the notification profile enablement component can be programmed to temporarily activate one of the plurality of notification profiles for an amount of time determined at the mobile device (see Pars. 0009 and 0021-26, 0030, 0032 and 0037-40).

CONCLUSION

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached form PTO-892 for cited references and the prior art made of record.

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. SEE MPEP 2141.02 [R-5] VI. PRIOR ART MUST BE

CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS: A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-T (9am - 7pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kwasi Karikari/
Patent Examiner: Art Unit 2617.

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617

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